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July 27, 2018

VIA EMAIL

Granted.
So Ordered: 7/30/18

The Honorable J. Paul Oetken
 United States District Judge
 Southern District of New York
 Thurgood Marshall United States Courthouse
 40 Foley Square
 New York, NY 10007
 OetkenNYSDChambers@nysd.uscourts.gov


 J. PAUL OETKEN
 United States District Judge

RE: United States v. Middendorf, 18-cr-00036 (JPO)


Dear Judge Oetken:

We represent Defendant Jeffrey Wada in the above-captioned matter. We write to request that Mr. Wada be excused from attending the oral argument on pending motions scheduled for August 1, 2018 at 10:30 A.M. as set by the Court on July 23, 2018. While Mr. Wada has joined the motions of his co-defendants, we respectfully submit that Mr. Wada's attendance at the oral argument would not serve a useful purpose as to the issues before the Court which involve questions of law. *See* Fed. R. Crim. P. 43(b)(3). Mr. Wada resides in California and requiring his attendance at the August 1st hearing would be a financial hardship and would cause significant disruption to a project he is completing in connection with his employment.

During Mr. Wada's arraignment on January 25, 2018 and in connection with a request that Mr. Wada be excused from attending a status conference, the Court confirmed that Mr. Wada understood that he has "a right to be present for all conferences including status conferences." Mr. Wada understands that he has a right to be present for all proceedings before the Court and voluntarily waives that right as to the hearing scheduled for August 1, 2018 at 10:30 A.M.

Respectfully submitted,

BROWN RUDNICK LLP


 Stephen R. Cook

cc: All counsel of record (via email)